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NETFLIX, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CALEB L. MCGILLVARY,

Plaintiff,

vs.

Case No. 2:23-cv-01195-JLS-SK

**DECLARATION OF CYDNEY
SWOFFORD FREEMAN**

NETFLIX, BUNIM-MURRAY
PRODUCTIONS, JIMMY KIMMEL
LIVE!, KMPH FOX NEWS,
EBAUMSWORLD, FULTON 55,
RAWTV, COLETTE CAMDEN, BRAD
MULCAHY, ALEX AGUIRRE,
CARTER HARRIS, JEFF STRICKER,
GABRIEL SANCHEZ, TONY MARTIN,
LISA SAMSKY, JENSEN RUFÉ,
SALLY BRINDLE, ROB MILLER,
JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, JOHN DOE 5,
JOHN DOE 6, JOHN DOE 7, JOHN
DOE 8, JOHN DOE 9, JANE DOE 1,
JANE DOE 2, JANE DOE 3, JANE DOE
4, JANE DOE 5,

Defendants.

DECLARATION OF CYDNEY SWOFFORD FREEMAN

I, Cydney Swofford Freeman, declare as follows:

1. I am an attorney admitted to practice before all courts of the State of California and before this Court. I am counsel at the law firm of Davis Wright Tremaine LLP (“DWT”), and I am one of the attorneys representing defendant Netflix, Inc. (“Netflix”) in this matter. If called to testify, I could and would competently testify to these facts.

2. DWT is a national law firm of more than 500 lawyers, with its largest office in Seattle, Washington. For more than 25 years, its Los Angeles office has been well-known for its work in media and First Amendment law. The firm also is known and recognized nationally for its media and First Amendment litigation practice.

3. Netflix has been represented in this matter by DWT partner Nicolas Jampol, associates Sarah Burns and Samuel Turner, and myself. I have reviewed DWT’s invoices for work on this case. The following chart reflects the billing rates for the DWT lawyers who represented Netflix in the proceedings at issue in the Fee Motion:

Name	Title	Rate Charged
Nicolas Jampol	Partner	\$833
Cydney Freeman	Counsel	\$693
Sarah Burns	Associate	\$616
Samuel Turner	Associate	\$480

4. The columns labeled “Rate Charged” shows the rates that DWT actually billed in this matter, pursuant to a negotiated discount. Netflix only seeks reimbursement in this Fee Motion using these heavily discounted rates.

5. I am familiar with rates charged by other firms in Southern California for the services of attorneys who specialize in media and First Amendment

1 litigation, and based on my knowledge of the legal market, the rates charged in this
2 matter are well within the range of rates charged by other comparable firms. These
3 rates are particularly reasonable in light of the respective professionals' experience,
4 skills, and reputations:

5 • **Nicolas Jampol** is a media and entertainment partner in DWT's Los
6 Angeles office. Mr. Jampol was recognized by *Variety's* 2024 Legal Impact Report
7 as one of Hollywood's top entertainment lawyers.¹

8 • **Cydney Swofford Freeman** is a media and entertainment counsel in
9 DWT's Los Angeles office. Ms. Freeman was named a Law360 "Rising Star" for
10 media and entertainment law in 2023;² she routinely litigates and counsels clients
11 on copyright, trademark, First Amendment, and other media matters.

12 • **Sarah Burns** is a senior media and entertainment associate in DWT's
13 San Francisco office. She frequently works on a variety of media, entertainment,
14 and intellectual property matters.

15 • **Sam Turner** is a media and entertainment associate in DWT's Los
16 Angeles office. He frequently works on a variety of media, entertainment, and
17 intellectual property matters and clerked for two federal judges.

18 6. DWT's hourly rates are also appropriate given its highly sought-after
19 and award winning media litigation practice. In 2022, for the tenth consecutive
20 year, DWT was named "Law Firm of the Year" by Best Lawyers and U.S. News in
21 the areas of media, entertainment, copyright, and First Amendment. Law360 has
22 named DWT's Media and Entertainment group its Practice Group of the Year seven
23 out of the past eight years. See [https://www.dwt.com/about/news/2024/02/media-](https://www.dwt.com/about/news/2024/02/media-law360-poty)
24 [law360-poty](https://www.dwt.com/about/news/2024/02/media-law360-poty). DWT is also recognized by Chambers USA Nationwide as a "Band

26 ¹ See [https://variety.com/lists/legal-impact-report-2024-hollywood-top-](https://variety.com/lists/legal-impact-report-2024-hollywood-top-attorneys/)
27 [attorneys/](https://variety.com/lists/legal-impact-report-2024-hollywood-top-attorneys/).

28 ² See [https://www.law360.com/articles/1684314/rising-star-davis-wright-s-](https://www.law360.com/articles/1684314/rising-star-davis-wright-s-cydney-swofford-freeman)
[cydney-swofford-freeman](https://www.law360.com/articles/1684314/rising-star-davis-wright-s-cydney-swofford-freeman).

1 1” firm in both the Media & Entertainment: First Amendment Litigation and in the
2 Media & Entertainment categories in New York, California, and Washington, D.C.

3 7. I have personally reviewed DWT’s billing records in this matter.
4 Attached as **Exhibit A** is a true and correct copy of the daily time entries from each
5 DWT timekeeper, with descriptions of the work performed by each professional on
6 each day. These entries have been redacted to remove entries for which Defendants
7 do not seek to recover fees. Sarah Burns’s May 7, 2024 time entry has been
8 adjusted to reflect only the portion of that day’s time for which Netflix seeks fees.

9 8. The time entries in Exhibit A contain references to Mindy LeMoine,
10 Director of Litigation at Netflix. Netflix is not seeking fees for time spent on the
11 Anti-SLAPP Motion by Ms. LeMoine or anyone else at Netflix.

12 9. This chart summarizes the total amount of time requested for each
13 attorney in connection with the Anti-SLAPP Motion:

Name	Title	Hours	Rates Charged	Total
Nicolas Jampol	Partner	4.7	\$833	\$3,915.10
Cydney Freeman	Counsel	47.9	\$693	\$33,194.70
Sarah Burns	Counsel	18.2	\$616	\$11,211.20
Samuel Turner	Associate	15.6	\$480	\$7,488.00
Total		86.4		\$55,809.00

21 10. As reflected in the chart included in Paragraph 9, I spent more than
22 47.9 hours overseeing Netflix’s anti-SLAPP defense, formulating the overall anti-
23 SLAPP litigation strategy, and revising anti-SLAPP briefs.

24 11. As reflected in the chart included in Paragraph 9, Mr. Jampol spent
25 more than 4.7 hours guiding litigation strategy and editing anti-SLAPP briefs based
26 on his significant knowledge of the relevant legal issues in this case.
27
28

12. As reflected in the chart included in Paragraph 9, through August 5, 2024, Ms. Burns spent more than 18.2 hours researching and preparing initial drafts of the anti-SLAPP Reply and supporting papers.

13. As reflected in the chart included in Paragraph 9, through August 5, 2024, Mr. Turner spent more than 15.6 hours researching and preparing initial drafts of the anti-SLAPP Motion, Reply, and supporting papers.

14. Consequently, Netflix has incurred more than \$55,809.00 in fees through August 5, 2024 for which it seeks recovery in this Fee Motion. The legal services described in the time entries in Exhibit A and Paragraphs 9-13 were actually performed defending against Plaintiff's claims for defamation, false light, right of publicity, and public disclosure of private facts against Netflix, and these fees for these services have been paid in full.

15. Because Plaintiff filed several versions of the Complaint in short succession, all of which included conclusory assertions and several dozen frivolous claims, Netflix's counsel was forced to conduct duplicative analysis and preparation of legal briefs. Netflix seeks only a streamlined version of its fees incurred in defending its successful anti-SLAPP motion.

16. As reflected in Exhibit A, Netflix seeks \$55,809.00 in costs through August 5, 2024. Those costs include court reporting services, filing fees, and delivery service fees.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 13, 2024, in Los Angeles, California.

/s/ Cydney Swofford Freeman
Cydney Swofford Freeman